

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE PAYMENT CARD INTERCHANGE
FEE AND MERCHANT DISCOUNT
ANTITRUST LITIGATION

MASTER FILE 05-MD-1720

This Document Relates To:

Old Jericho Enterprise, Inc. et al. v. Visa, Inc. et al., No. 2:20-cv-02394 (E.D.N.Y.)
(MKB)(VMS)

**DECLARATION OF RICHARD A.
KOFFMAN IN SUPPORT OF MOTION
FOR APPOINTMENT OF INTERIM
CLASS COUNSEL**

I, RICHARD A. KOFFMAN, declare as follows:

1. I am a Partner at Cohen Milstein Sellers & Toll, PLLC. Based on personal knowledge or discussions with counsel in my firm of the matters stated herein, if called upon, I could and would competently testify thereto.

2. If appointed as interim class counsel, Cohen Milstein will ensure that this complex litigation proceeds in an efficient manner. Appointment of leadership for the proposed class will permit plaintiffs' counsel to work with counsel for defendants on basic case management issues, such as the negotiation of pretrial orders, and to structure and streamline communication with the Court on behalf of the plaintiffs and the class they seek to represent.

3. For nearly 50 years, Cohen Milstein has demonstrated its dedication and commitment to protect the interests of class plaintiffs through rigorous motion practice, discovery, class certification, and trial. For example, Cohen Milstein, acting as co-lead counsel in *In re Urethane Antitrust Litigation*, 2:04-md-01616-JWL (D. Kan.), devoted substantial resources to trial and obtained a judgment of more than a billion dollars, which was sustained on appeal.

4. Cohen Milstein is committed to establishing legal teams that are experienced, qualified, and reflect the diversity of the legal field. In accordance with the Standards and Best Practices for Large and Mass-Tort MDLs, Cohen Milstein seeks to create diverse litigation teams, with respect to not only prior experience and skills, but also with respect to gender, race and national origin, age, and sexual orientation.

5. Attached hereto as Exhibit A is a true and correct copy of Cohen Milstein's firm resume.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 16th day of August 2021 at Washington, D.C.

/s Richard A. Koffman
RICHARD A. KOFFMAN

EXHIBIT A

COHENMILSTEIN

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About the Firm

Cohen Milstein Sellers & Toll PLLC fights corporate abuse by pursuing litigation on behalf of affected individuals, investors, whistleblowers, small businesses, and other institutions in lawsuits that have raised significant, challenging, and often novel legal issues. Cohen Milstein specializes in holding large corporations accountable for their actions, despite the fact that they often have significantly more resources at their disposal than those damaged by their misconduct.

Cohen Milstein is recognized as a premier law firm in the U.S. handling major, complex plaintiff-side litigation. With more than 100 attorneys in 10 practice areas in six offices across the country, including Washington, DC; Chicago, IL; New York, NY; Palm Beach Gardens, FL; Philadelphia, PA; and Raleigh, NC, Cohen Milstein is also recognized as one of the largest and most diversified plaintiffs' firms in the country.

We regularly litigate complex matters across a wide range of practice areas, including:

- Antitrust
- Civil Rights & Employment
- Complex Tort Litigation
- Consumer Protection
- Employee Benefits / ERISA
- Ethics and Fiduciary Counseling
- Human Rights
- Public Client
- Securities Litigation & Investor Protection
- Whistleblower/False Claims Act

Cohen Milstein is consistently lauded as one of the most successful plaintiffs' firms in the country.

Forbes has called us a “class action powerhouse.”

Inside Counsel has dubbed us “[t]he most effective law firm in the United States for lawsuits with a strong social and political component.”

In 2021, *The National Law Journal* and *The Trial Lawyer*, the official magazine of The National Trial Lawyers, named Cohen Milstein one of **“America’s Most Influential Law Firms.”** Similarly, in 2021, *Chambers USA* recognized Cohen Milstein a **“Top Tier Firm”** and **“Leading Firm”** in the areas of Antitrust, Products Liability and Securities Litigation, representing plaintiffs.

In 2020, *Law360* named Cohen Milstein **“Practice Group of the Year – Class Actions,”** **“Practice Group of the Year – Securities,”** **“Practice Group of the Year – Life Sciences,”** and **“Practice Group of the Year – Environmental.”** Cohen Milstein was also named among **“The Best Law Firms for Female Attorneys”** in *Law360*’s 2020 “Glass Ceiling Report.”

In addition, our individual lawyers, many of whom hail from judicial clerkships, U.S. Department of Justice, and nationally renowned defense firms, are recognized as visionaries, leaders, and even “titans” in their areas of law, including by ***Law360*, *Lawdragon 500*, *Chambers USA*, *Legal 500*, *The National Law Journal*, *Best Lawyers in America*, *Benchmark Litigation*, *Martindale-Hubbell* and *Super Lawyers***, among others.

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Antitrust

Cohen Milstein is widely respected as one of the preeminent plaintiffs' antitrust practices in the United States, often involved in landmark antitrust class actions. We have received numerous accolades for our work in antitrust litigation, including:

- *Chambers USA* "Antitrust: Plaintiffs – Nationwide" (2020, 2021)
- *Legal 500* "Leading Plaintiff Class Action Antitrust Firm" (2010 – 2021)
- *The National Law Journal* "Finalist – Elite Trial Lawyers – Pharmaceutical" (2019, 2021)
- ALM/The National Trial Lawyers "Antitrust Law Firm of the Year" (2020)
- Law360 "Practice Group of the Year – Life Sciences" (2020)
- *The National Law Journal* "Finalist – Elite Trial Lawyers – Antitrust" (2018, 2019)
- *The National Law Journal* "Winner – Elite Trial Lawyers – Antitrust" (2016)
- *Law 360* "Practice Group of the Year – Competition" (2016)
- *National Law Journal* Plaintiffs' Hot List (2011 – 2013, 2015 – 2016)
- *Law360* "Most Feared Plaintiffs Firm" (2013 – 2015)

We focus predominantly on national antitrust class actions, including litigating (and winning) class action jury trials and appeals. We gladly take on – and defeat – formidable opponents, which have included such giants as Dow Chemical, Apple, and The Walt Disney Company.

Our Clients

Our clients include pension funds, businesses, and individuals. Our class action experience spans all industries, including agriculture, automotive parts, chemicals, oil and gas, financial services, health care, high tech, media and entertainment, pharmaceuticals, and many others.

We also have the distinct honor of representing not only plaintiffs, but also, in certain cases, defendants, including the Service Employees International Union, and New York Hotel & Motel Trades Council, AFL-CIO.

Setting Precedents

Our work has shaped the antitrust landscape and helped change industry.

- **Novel "Pay-for-Delay" Disputes** – We are one of a small handful of plaintiffs' law firms pursuing this novel area of law unique to the pharmaceutical industry, and involving patented drugs, generic drugs, and non-competition agreements.
- **Ground-Breaking Securities Markets Disputes** – We are one of two law firms leading three ground-breaking antitrust lawsuits involving collusion by many of the world's biggest banks in three of the world's largest securities markets, including Interest Rate Swaps, Treasuries, and Stock Lending.
- **Cutting-Edge Disputes in Tech** – Our work against Apple, Google, Pixar, and other companies in the tech sector have helped mitigate uncontrolled growth and collusive behavior in this dynamic and quickly evolving industry.

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Significant Recoveries

We have recovered billions of dollars in damages for injured plaintiffs in some of the nation's most complex antitrust lawsuits.

- ***In re Urethanes Antitrust Litigation, MDL No: 1616 (D. Kan.)***: We secured the largest trial verdict ever in a price-fixing case (\$1.06 billion – after trebling and settlement offsets).
- ***Sutter Health Antitrust Litigation, No. CSG 14-538451 (Sup. Crt., San Fran. Cnty., Cal.)***: Cohen Milstein is part of a small team of firms representing a certified class of self-funded employers and union trust funds against Sutter Health, a large hospital chain in Northern California, for restraining hospital competition through anticompetitive contracting practices. In October 2019, on the eve of trial, the case settled for \$575 million and comprehensive injunctive relief. On March 9, 2021 the Court granted preliminary approval of a \$575 million settlement. The final approval hearing is scheduled for July 19, 2021.
- ***In re Animation Workers Antitrust Litigation, No. 5:14-cv-04062 (N.D. Cal.)***: We secured final approval of \$168.5 million in settlements on June 6, 2017, yielding average awards of more than \$14,000 per class member in this certified class action involving “do not to solicit employee” agreements between many of the largest high-tech animation companies in the U.S.
- ***In re Electronic Books Antitrust Litigation, No. 11-md-02293 (S.D.N.Y.)***: We secured a \$560 million settlement, including a settlement of \$450 million with Apple shortly before trial in this novel litigation, alleging Apple and five of the six biggest U.S. publishers conspired to raise the price of e-books. We litigated together with the Department of Justice and Attorneys General from 33 states and territories.
- ***In re Lidoderm Antitrust Litigation, No. 3:14-md-02521 (N.D. Cal.)***: Cohen Milstein served as Co-Lead Counsel in this case, which alleged that Endo and Teikoku, manufacturers of the Lidoderm patch, paid Watson Pharmaceuticals to delay its generic launch. The case settled on the eve of trial, and, on September 20, 2018, plaintiffs obtained final approval of a \$104.75 million settlement – more than 40% of plaintiffs' best-case damages estimate. This case was ranked by *Law360* in “The Biggest Competition Cases Of 2017 So Far” (July 7, 2017).

Leadership

We believe leadership is the result of exceptional work by a team of exceptional lawyers, who come from diverse backgrounds and work experience, but share an appetite for intellectual rigor and the desire to shape competition and industry for the better. As a result:

- **Court Appointments**: We have the honor of frequently being Court Appointed Lead or Co-Lead Class Counsel in some of the largest and most complex antitrust disputes in the United States, including all of the entries in this submission.
- **Industry Scholarship**: We are recognized for setting the bar for intellectual engagement and scholarship in this dynamic area of law. To this end:
 - We are on the advisory Board of the **American Antitrust Institute**, one of the leading “think tanks” on economics and competition; and
 - We are founders of the annual **Jerry S. Cohen Memorial Writing Award for Antitrust Scholarship**, recognized by academics and practitioners alike as a coveted award.

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- **Individual Achievement:** Our antitrust lawyers are recognized among the best in the industry:
 - *GCR's Who's Who Legal*: "Thought Leader – Competition" (2022)
 - *Chambers USA* "Ranked Individuals" (2020, 2021)
 - Lawdragon "500 Leading Lawyers in America" (2016 - 2021)
 - *The National Law Journal* "Elite Women of the Plaintiffs Bar" (2019, 2021)
 - *GCR's Who's Who Legal* "Global Leader: Competition – Plaintiff" (2017 - 2021)
 - *Legal 500* "Next Generation Lawyer" (2017 - 2021)
 - *Law360* "Titans of the Plaintiffs Bar" (2020)
 - Lawdragon "500 Leading Plaintiff Financial Lawyers" (2019, 2020)
 - *Law360* "Rising Stars" (2018, 2020)
 - *Benchmark Litigation* "40 & Under Hot List" (2018-2020)
 - *Law360* "MVP" (2014, 2016, 2019)
 - American Antitrust Institute "Outstanding Antitrust Litigation Achievement by a Young Lawyer" (2018, 2019)
 - *Legal 500* "Hall of Fame" (2017)

Most of our lawyers served as judicial law clerks. Some have served in the Department of Justice and other government agencies. Others bring decades of experience at top defense firms.

Judicial Recognition

We have also been honored to receive enthusiastic praise from courts across the country.

- On August 27, 2020, The Honorable William E. Smith of the U.S. District Court for the District of Rhode Island, at the hearing on final approval of the settlement in *In re Loestrin 24 Fe Antitrust Litigation*, stated of plaintiffs' counsel including Cohen Milstein:

"I can't imagine attorneys litigating a case more rigorously than you all did in this case. . . . The level of representation of all parties in terms of the sophistication of counsel, was, in my view, of the highest levels. I can't imagine a case in which there was really a higher quality of representation across the board than this one."
- On June 24, 2019, The Honorable Brian M. Cogan of the U.S. District Court for the Eastern District of New York, at the hearing on final approval of the settlement in *In re Dental Supplies Antitrust Litigation*, stated of plaintiffs' counsel including Cohen Milstein:

"This is a substantial recovery that has the deterrent effect that class actions are supposed to have, and I think it was done because we had really good Plaintiffs' Lawyers in the case running it."
- On May 8, 2019, The Honorable Anthony W. Ishii of the U.S. District Court for the Eastern District of California, at the hearing on final approval of the settlement in *Carlin v. DairyAmerica Inc.* stated of Cohen Milstein (court appointed lead counsel) and the other plaintiffs' counsel:

"The exceptional recovery for class members weighs heavily in favor of a greater-than-benchmark award of attorney fees for Plaintiffs' Counsel This is not the first time the Court has discussed Plaintiffs' Counsel's skill at litigating complex class action cases such as this. The Court's position on Class Counsel has not changed. Suffice to say, the Court takes a favorable view of the breadth and depth of experience of Plaintiffs' Counsel, recognizes the extraordinary efforts they made on behalf of the class, and (as stated above) finds the settlement amount extraordinary."

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- On September 6, 2018, at a Fairness Hearing for Final Approval of Settlement in *In re Lidoderm Antitrust Litigation*, Judge William H. Orrick for the U.S. District Court for the Northern District of California stated of plaintiffs' counsel:

"You undertook serious risk in this case throughout the litigation. The lawyering on both sides — but for now I'm just talking to you (Plaintiffs Counsel), because your money was on the line — was excellent," he said. "This case involved complicated and novel legal issues."

Judge Orrick capped off the hearing by telling all the attorneys, *"It has been a pleasure to have read what you write and listen to what you say. For me, this was a fascinating case and it was very well-litigated by all."*

- On July 16, 2018, The Honorable Michael M. Bayson for the U.S. District Court for the Eastern District of Pennsylvania noted that plaintiffs' counsel, specifically naming Cohen Milstein, had done **"outstanding work"** in *In re Domestic Drywall Antitrust Litigation*, including surviving an extensive summary judgment motion in February 2016.
- In the July 29, 2016 Court Order, granting final approval of the settlement in *In re Urethanes Antitrust Litigation*, Judge John W. Lungstrum for the U.S. District Court for the District of Kansas, commended plaintiffs' counsel in achieving an **"incredible success"**:

"[C]ounsel achieved incredible success on the merits of the claims. . . . Liability on these claims was far from certain, and thus the case presented a great deal of risk, as counsel was required to advance all expenses and attorney time to litigate a hard fought case against highly experienced opposing counsel hired by a defendant with ample resources. . . . In almost 25 years of service on the bench, this Court has not experienced a more remarkable result."

- On December 8, 2014, the Honorable Denise L. Cote for the U.S. District Court for the Southern District of New York noted that the quality of representation in *In re Electronic Books* "has been **excellent** and have been of great assistance to the Court." She also noted that "Class counsel were very **cooperative** with the Department of Justice and the states in this coordinated litigation. **Everyone has benefited** from that, both the defendants, the Court and consumers." She concluded with the following assessment:

"I think the enforcement of our Nation's antitrust laws is vitally important to the vibrancy of our economy. Few firms are equipped with the resources and skills to pursue litigation of this complexity and against such well-funded defendants. The skill with which plaintiffs' counsel acted in this case benefited the class and I would say benefited the American economic system as a whole. That is the importance of antitrust litigation I think."



Representative Matters

For decades, Cohen Milstein Sellers & Toll PLLC has represented individuals, small businesses, institutional investors, and employees in many of the major class action cases litigated in the United States for violations of the antitrust, securities, consumer protection, civil rights/discrimination, ERISA, employment, and human rights laws. Cohen Milstein is also at the forefront of numerous innovative legal actions that are expanding the quality and availability of legal recourse for aggrieved individuals and businesses both domestic and international. Over its history, Cohen Milstein has obtained many landmark judgments and settlements for individuals and businesses in the United States and abroad. The firm's most significant successes include:

Antitrust Representative Matters

- ***In re Animation Workers Litigation, No. 5:14-cv-04062 (N.D. Cal.)***: Cohen Milstein served as co-lead counsel representing a class of animation and visual effects workers who alleged that Pixar, Lucasfilm, DreamWorks, Disney and other studios conspired to suppress their pay primarily through no-poach agreements. The court granted final approval of \$168.95 million in settlements. To our knowledge, this is the most successful no-poach class action, achieving an average recovery per class member of nearly \$17,000.
- ***In re Urethanes Antitrust Litigation, MDL No: 1616 (D. Kan.)***: Cohen Milstein served as co-lead counsel on behalf of a class of direct purchasers of chemicals used to make many everyday products, from mattress foam to carpet cushion, who were overcharged as a result of a nationwide price-fixing conspiracy. On February 25, 2016, Cohen Milstein reached an agreement with The Dow Chemical Company to settle the case against Dow for \$835 million. Combined with earlier settlements obtained from Bayer, Huntsman, and BASF, the Dow settlement pushed the total settlements in the case to \$974 million. The settlement was approved on July 29, 2016.
- ***Sutter Health Antitrust Litigation, No. CSG 14-538451 (Sup. Crt., San Fran. Cnty., Cal.)***: Cohen Milstein is part of a small team of firms representing a certified class of self-funded employers and union trust funds against Sutter Health, a large hospital chain in Northern California, for restraining hospital competition through anticompetitive contracting practices. In October 2019, on the eve of trial, the case settled for \$575 million and comprehensive injunctive relief. On March 9, 2021 the Court granted preliminary approval of the \$575 million settlement. The final approval hearing is scheduled for July 19, 2021.
- ***In Re Electronic Books Antitrust Litigation, No. 11-md-02293 (S.D.N.Y.)***: In August 2014, a New York federal judge approved a \$400 million antitrust settlement in the hotly contested ebooks price-fixing suit against Apple Inc. Combined with \$166 million in previous settlements with five defendant publishing companies, the final settlement totaled more than \$560 million. The settlement resolves damages claims brought by a class of ebook purchasers and attorneys general from 33 U.S. states and territories.

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- ***In re Domestic Drywall Antitrust Litigation, No. 2:13-md-02437 (E.D. Pa.)***: Cohen Milstein served as co-lead counsel for a class of direct purchasers of drywall against drywall manufacturers for price-fixing. The court approved settlements that total more than \$190 million. The court commented that it had sided with plaintiffs because of counsel's "outstanding work," and that plaintiffs' counsel had a "sophisticated and highly professional approach." It complemented the attorneys as "highly skilled" and noted that their performance on class action issues was "imaginative." It also stated, "Few cases with no government action, or investigation, result in class settlements as large as this one."
- ***In re Plasma-Derivative Protein Therapies Antitrust Litigation, No. 09 C 7666 (N.D. Ill.)***: After four years of litigation, in October of 2013, CSL Limited, CSL Behring LLC, CSL Plasma, Inc. (collectively, "CSL"), and the Plasma Protein Therapeutics Association ("PPTA") agreed to pay \$64 million dollars to settle a lawsuit brought by the University of Utah Hospital and other health care providers alleging that CSL, the PPTA, and Baxter agreed between 2003-2009 to restrict the supply of immunoglobulin and albumin and thereby increase the prices of those therapies. Two months later, Baxter International Inc. and Baxter Healthcare Corp. (collectively "Baxter") agreed to pay an additional \$64 million to settle these claims – bringing the total recovery to the class to \$128 million.
- ***In re Lidoderm Antitrust Litigation, No. 3:14-md-02521 (N.D. Cal.)***: Plaintiffs alleged that Endo and Teikoku, manufacturers of the Lidoderm patch, paid Watson Pharmaceuticals to delay its generic launch. The case settled on the eve of trial and on September 20, 2018, plaintiffs obtained final approval of a \$104.75 million settlement – more than 40% of plaintiffs' best-case damages estimate and the largest end-payor settlement in a federal generic suppression case in over a decade. This case was ranked by *Law360* as "The Biggest Competition Cases Of 2017 So Far" (July 7, 2017).
- ***In re Loestrin Antitrust Litigation, No. 1:3-md-02472 (D.R.I.)***: Cohen Milstein served as Co-Lead Counsel for the End-Payor Plaintiffs in a case alleging that Warner Chilcott PLC entered into agreements to delay the introduction of a generic version of the contraceptive drug Loestrin and thereafter engaged in a "product hop" to further impede generic entry. The case settled on the last business day before trial for \$63.5 million – representing one of the largest settlements in a federal generic suppression case in over a decade. On September 1, 2020, the settlements received final approval.

Other Representative Matters

- ***In re Alphabet Shareholder Derivative Litigation, No. 19CV341522 (Sup. Crt., Santa Clara Cnty., Cal.)***: Cohen Milstein is Co-Lead Counsel and represents Northern California Pipe Trades Pension Plan and Teamsters Local 272 Labor Management Pension Fund in this shareholder derivative action seeking to hold Alphabet's leadership accountable for a "culture of concealment," which involved covering up pervasive gender discrimination and sexual harassment and approving secretive, multi-million dollar payouts to high-level executives credibly accused of serious sexual misconduct against junior employees. In November 2020, the Court granted final approval of a historic settlement, which includes a \$310 million funding commitment and sweeping reforms to eliminate practices that silence victims and implement new measures to improve workplace equity and board oversight.

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- ***In re Flint Water Cases, No. 16-cv-10444 (E.D. Mich.):*** In January 2021, the Court granted preliminary approval of a \$641.25 million settlement between Flint residents and businesses and multiple governmental defendants, including the State of Michigan, Michigan Department of Environmental Quality (DEQ), and individual defendants, including former Governor Rick Snyder, in this environmental toxic tort class action, affecting over 90,000 Flint residents and businesses. Litigation will continue against other defendants, including two private engineering firms, Veolia North America and Lockwood, Andrews & Newnam (LAN), both charged with professional negligence, and separate litigation against the U.S. Environmental Protection Agency will also continue. Cohen Milstein's is Interim Co-Lead Class Counsel in this litigation.
- ***Wynn Resorts, Ltd. Derivative Litigation, No. A-18-770013-B (Eighth Jud. Dist. Crt., Clark Cnty., Nev.):*** Cohen Milstein represented New York State Common Retirement Fund and the New York City Pension Funds as Lead Counsel in a derivative shareholder lawsuit against certain officers and directors of Wynn Resorts, Ltd., arising out of their failure to hold Steve Wynn, the former CEO and Chairman of the Board, accountable for his longstanding pattern of sexual abuse and harassment of female employees. In March 2020, the Court granted final approval of a \$90 million settlement in the form of cash payments and landmark corporate governance reforms, placing it among the largest, most comprehensive derivative settlements in history.
- ***National Association of the Deaf v. Harvard & MIT (D. Mass.):*** In February 2020 and June 2020, Cohen Milstein and co-counsel successfully settled two groundbreaking class actions on behalf of deaf and hearing-impaired individuals. The landmark settlements are historic because they require two of the most lauded academic research institutions in the world to include closed captioning on all content, including videos and podcasts, available to the public online, establishing a precedent for academia and business worldwide.
- ***In Re Equifax, Inc., Customer Data Security Breach Litigation, No. 1:17-md-2800-TWT (N.D. Ga.):*** On December 19, 2019 the court granted final approval a landmark \$1.5 billion settlement concluding this data breach class action, which affected more than 147 million people in the U.S. The settlement consists of a record-breaking \$425 million in monetary and injunctive benefits and requires Equifax to spend \$1 billion to upgrade its security and technology. Cohen Milstein was on the Plaintiffs' Steering Committee.
- ***New Jersey Carpenters Health Fund v. Royal Bank of Scotland Group PLC et al., No. 1:08-cv-05310-DAB-HBP (S.D.N.Y.):*** On March 8, 2019, the Honorable Deborah A. Batts for the U.S. District Court for the Southern District of New York granted final approval to a \$165 million all-cash settlement, bringing this lawsuit, the last of 11 MBS class actions Cohen Milstein successfully handled, to conclusion. Cohen Milstein was lead counsel in this certified MBS class action.
- ***In re Anthem Data Breach Litigation, No. 15-MD-02617-LHK (N.D. Cal.):*** On August 16, 2018, the Honorable Lucy H. Koh for the U.S. District Court for the Northern District of California granted final approval to a \$115 million settlement – the largest data breach settlement in U.S. history – ending claims that Anthem Inc., one of the nation's largest for-profit managed health care companies, put 78.8 million customers' personal information, including social security numbers and health date, at risk in a 2015 data breach. Cohen Milstein was co-lead counsel.

COHENMILSTEIN

- ***Relvas v. The Islamic Republic of Iran, et al., No. 1:14-cv-01752-RCL (D.D.C.)***: On February 28, 2018 U.S. District Court Judge Royce C. Lamberth, for the District of Columbia, ordered the Republic of Iran to pay \$920 million to 80 families of soldiers and other military service members who were killed or injured in the 1983 bombing of the U.S. Marine barracks in Beirut, Lebanon. The Beirut Marine Barracks bombing, which killed 241 American servicemembers and injured numerous others, was the deadliest state-sponsored terrorist attack against United States citizens before September 11, 2001.
- ***In re BP Securities Litigation, No. 4:10-MD-02185 (S.D. Tex.)***: Cohen Milstein represented the New York State Common Retirement Fund as co-lead plaintiff in a securities class action filed in 2010, alleging that BP injured investors by intentionally downplaying the severity of the Deepwater Horizon oil spill and preventing investors from learning the magnitude of the disaster. After successfully arguing for class certification to the district court, Cohen Milstein presented plaintiffs' defense of that court's decision to the U.S. Court of Appeals for the Fifth Circuit, which affirmed the class. The case settled on February 13, 2017 for \$175 million, a few weeks before trial was to begin.
- ***Moody's Litigation***: Cohen Milstein represented the co-lead state Mississippi and represented New Jersey in the \$864 million consumer fraud settlement achieved in January 2017 by 22 states and the U.S. Department of Justice with Moody's Corporation, Moody's Investors Service, Inc., and Moody's Analytics, Inc. Together with the S&P settlement, these cases against the nation's two largest credit rating agencies produced key industry reforms that provide greater transparency for consumers and that divested the credit rating agencies of more than \$2.2 billion for their conduct contributing to the national housing crisis and the Great Recession.
- ***S&P Litigation***: Cohen Milstein represented co-lead state Mississippi in the \$1.375 billion-dollar consumer fraud settlement achieved in 2015 by 20 states and the U.S. Department of Justice with Standard & Poor's. Together with the Moody's settlement, these cases against the nation's two largest credit rating agencies produced key industry reforms that provide greater transparency for consumers and that divested the credit rating agencies of more than \$2.2 billion for their conduct contributing to the national housing crisis and the Great Recession.
- ***United States of America et al., ex rel. Lauren Kieff, v. Wyeth, No. 03-1236 (D. Mass.)***: Cohen Milstein was co-lead counsel in this False Claims Act whistleblower case against pharmaceutical giant Wyeth (subsequently acquired by Pfizer), in which the whistleblowers alleged that Wyeth defrauded Medicaid, the joint federal/state healthcare program for the poor, when it reported falsely inflated prices for its acid suppression drug Protonix from 2001 through 2006 for Medicaid rebate purposes. Weeks before trial, in February 2016, in one of the largest qui tam settlements in U.S. history, Wyeth agreed to pay \$784.6 million to the U.S. government and the over 35 intervening states.
- ***RALI MBS Litigation, No. 08-8781 (S.D.N.Y.)***: On July 31, 2015, Judge Katherine Failla gave final approval to a \$235 million settlement with underwriters Citigroup Global Markets Inc., Goldman Sachs & Co., and UBS Securities LLC. She also approved a plan for distribution to investors of those funds as well as the previously approved \$100 million settlement with RALI, its affiliates, and the individual Defendants that was reached in 2013. This global settlement marks an end to a long and complicated class action over MBS offerings that RALI and certain of its affiliates issued and sold to

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the New Jersey Carpenters Health Fund and other investors from 2006 through 2007. The case took seven years of intense litigation to resolve.

- ***In re: Bear Stearns Mortgage Pass-Through Certificates Litigation, No. 08-08093 (S.D.N.Y.)***: On May 27, 2015, U.S. District Judge Laura Taylor Swain finally approved a class action settlement with JPMorgan Chase & Co., which agreed to pay \$500 million and up to an additional \$5 million in litigation-related expenses to resolve claims arising from the sale of \$27.2 billion of mortgage-backed securities issued by Bear Stearns & Co. during 2006 and 2007 in 22 separate public offerings.
- ***Harborview MBS Litigation, No. 08-5093 (S.D.N.Y.)***: In February 2014, Cohen Milstein reached a settlement with the Royal Bank of Scotland (RBS) in the Harborview MBS Litigation, resolving claims that RBS duped investors into buying securities backed by shoddy home loans. The \$275 million settlement is the fifth largest class action settlement in a federal MBS case. This case is one of eight significant MBS actions that Cohen Milstein has been named lead or co-lead counsel by courts and one of three that were nearly thrown out by the court only to be revived in 2012.
- ***Countrywide MBS Litigation, No. 2:10-cv-00302 (C.D. Cal.)***: In April 2013, plaintiffs in the landmark mortgage-backed securities (MBS) class action litigation against Countrywide Financial Corporation and others, led by Lead Plaintiff, the Iowa Public Employees' Retirement System (IPERS), agreed to a \$500 million settlement. It is the nation's largest MBS-federal securities class action settlement. The settlement was approved in December 2013 and brings to a close the consolidated class action lawsuit brought in 2010 by multiple retirement funds against Countrywide and other defendants for securities violations involving the packaging and sale of MBS. The settlement is also one of the largest (top 20) class action securities settlements of all time.
- ***Keepseagle v. Vilsack, No. 1:99CV03119 (D.D.C.)***: A class of Native American farmers and ranchers allege that they have been systematically denied the same opportunities to obtain farm loans and loan servicing that have been routinely afforded white farmers by the USDA. A class was certified in 2001 by Judge Emmet Sullivan, District Judge for the U.S. District Court for the District of Columbia. On April 28, 2011, the U.S. District Court granted final approval of a historic settlement of \$760 million between Native American farmers and ranchers and the USDA. The *Keepseagle* settlement agreement required USDA to 1) pay \$680 million in damages to thousands of Native Americans, to 2) forgive up to \$80 million in outstanding farm loan debt, and to 3) improve the farm loan services USDA provides to Native Americans.



Antitrust – Recent Awards & Recognitions

2021

- In 2021, Richard A. Koffman was named to *Global Competition Review's "Who's Who Legal: Thought Leaders – Competition 2022"* – one of only 40 plaintiffs' antitrust attorneys in the United States to earn such a distinction.
- In 2021, seven Cohen Milstein Antitrust attorneys named to *Global Competition Review's "Who's Who Legal: Competition 2021."*
- In 2021, *Legal 500* named Cohen Milstein a **"Leading Firm"** in Antitrust Litigation: Plaintiff.
- In 2021, *Legal 500* named four Cohen Milstein attorneys **"Next Generation Partners,"** including Brent W. Johnson and Sharon K. Robertson.
- In 2021, *Legal 500* named eight Cohen Milstein partners **"Leading Lawyers,"** including Richard A. Koffman, Kit A. Pierson, and Daniel A. Small.
- In 2021, *Chambers USA* recognized Sharon K. Robertson **"Top Ranked"** and Kit A. Pierson **"Ranked"** for Antitrust: Plaintiff – Nationwide.
- In 2021, Cohen Milstein was recognized as a **"Leading Firm"** by *Chambers USA* in three Categories, including Antitrust: Plaintiff.
- In 2021, Cohen Milstein's Jessica Weiner named to *The National Law Journal's "Rising Stars of the Plaintiffs Bar."*
- In 2021, Cohen Milstein named *The National Law Journal*. **"Elite Trial Lawyer"** finalist in eight practice areas, including Pharmaceutical Litigation for the firm's Antitrust litigation work.
- In 2021, Cohen Milstein's Emmy L. Levens named *The National Law Journal*. **"Elite Women of the Plaintiffs Bar"** winner.
- In 2021, Lawdragon recognized 12 Cohen Milstein lawyers among the **"500 Leading Lawyers in America,"** including Benjamin D. Brown, Sharon K. Robertson, and Daniel A. Small.

2020

- In 2020, *Law360* recognized Cohen Milstein as a **"Class Action Group of the Year,"** including antitrust class actions.
- In 2020, *Law360* recognized Cohen Milstein as a **"Life Sciences Group of the Year,"** reflecting the firm's work in pharmaceutical-related antitrust litigation.
- In 2020, Benchmark Litigation recognized Cohen Milstein as a 2021 **"Top Plaintiffs Firm."**
- In 2020, *Law360's Glass Ceiling Report* named Cohen Milstein among **"The Best Law Firms for Female Attorneys."**
- In 2020, Lawdragon named 15 Cohen Milstein attorneys to its **"500 Leading Plaintiff Financial Lawyers"** list, including Benjamin D. Brown, Donna M. Evans, Brent W. Johnson, Richard A. Koffman, Emmy L. Levens, Daniel McCuaig, Kit A. Pierson, Sharon K. Robertson, and Daniel A. Small.
- ALM/The National Trial Lawyers named Cohen Milstein **"Antitrust Law Firm of the Year."**
- *Chambers USA* ranked Cohen Milstein a leading firm in the **"Antitrust: Plaintiffs – Nationwide"** category.
- *Legal 500* ranked Cohen Milstein **"Leading Plaintiff Class Action Antitrust Firm."**
- *Law360* named Cohen Milstein's Daniel A. Small a **"Law360 Titan of the Plaintiffs Bar"** for his decades of successful work in antitrust litigation.

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- Lawdragon named Daniel A. Small and Sharon K. Robertson to its “**Lawdragon 500 Leading Lawyers in America**” list.
- Lawdragon named the following Cohen Milstein Antitrust attorneys to its “**Lawdragon 500 Leading Plaintiff Financial Lawyers:**” Benjamin Brown, Donna Evans, Brent Johnson, Richard Koffman, Emmy Levens, Daniel McCuaig, Kit Pierson, Sharon Robertson and Daniel Small.
- Chambers USA recognized Cohen Milstein’s Kit A. Pierson and Sharon Robertson as “**Ranked Individuals in Antitrust: Plaintiffs – Nationwide.**”
- *Global Competition Review* named Richard A. Koffman one of the “**World’s Leading Competition Lawyers.**”
- Who’s Who Legal named Cohen Milstein’s Benjamin D. Brown, Manuel J. Dominguez, Richard A. Koffman, Kit A. Pierson, J. Douglas Richards, and Daniel A. Small “**Global Leader: Competition – Plaintiff.**”
- *Legal 500* ranked Kit Pierson, Richard A. Koffman “**Leading Lawyers**”; Daniel A. Small, Benjamin D. Brown, and Daniel McCuaig “**Recommended**”; and Brent W. Johnson and Sharon K. Robertson “**Next Generation Lawyers.**”
- *Law360* named Cohen Milstein’s Emmy Levens a “**Rising Star – Class Actions**” for her role in the Flint Water Crisis Class Action and numerous antitrust class actions and appeals.
- *Benchmark Litigation* named Sharon K. Robertson to its “**40 & Under Hot List.**”
- *Super Lawyers* named the following Cohen Milstein Antitrust attorneys “**Super Lawyers**”: Brent W. Johnson, Richard A. Koffman, Kit A. Pierson, J. Douglas Richards, Sharon K. Robertson, and Daniel A. Small, and the following Cohen Milstein Antitrust attorneys “**Rising Stars**”: Robert A. Braun, Alison Deich, Emmy Levens, Daniel Silverman, and Jessica Weiner.

2019

- *Legal 500* ranked Cohen Milstein “**Leading Plaintiff Class Action Antitrust Firm.**”
- *The National Law Journal* named Cohen Milstein “**Finalist – Elite Trial Lawyers – Antitrust.**”
- *The National Law Journal* named Cohen Milstein “**Finalist – Elite Trial Lawyers – Class Actions.**”
- *The National Law Journal* named Cohen Milstein “**Finalist – Elite Trial Lawyers – Pharmaceutical.**”
- Lawdragon named Daniel Small to its “**Lawdragon 500 Leading Lawyers in America**” list.
- *Law360* named Cohen Milstein’s Sharon K. Robertson “**Life Sciences – MVP**” for her cutting-edge “**pay for delay**” antitrust class actions in the Life Sciences industry.
- *The National Law Journal* named Sharon K. Robertson a winner of “**Elite Women of the Plaintiffs Bar**” award.
- *Global Competition Review* named Richard A. Koffman one of the “**World’s Leading Competition Lawyers.**”
- Who’s Who Legal named Cohen Milstein’s Benjamin D. Brown, Manuel J. Dominguez, Richard A. Koffman, Kit A. Pierson, J. Douglas Richards, and Daniel A. Small “**Global Leader: Competition – Plaintiff.**”
- The American Antitrust Institute honored Cohen Milstein’s Jessica Weiner with the “**Outstanding Antitrust Litigation Achievement by a Young Lawyer**” award.

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- Lawdragon named eight Cohen Milstein Antitrust attorneys to its “**Lawdragon 500 Leading Plaintiff Financial Lawyers.**” The partners include: Benjamin D. Brown, Donna M. Evans, Brent W. Johnson, Richard A. Koffman, Emmy L. Levens, Kit A. Pierson, Sharon K. Robertson, and Daniel A. Small.
- *Legal 500* ranked Kit Pierson and Richard A. Koffman “**Leading Lawyers**”; and Brent W. Johnson and Sharon K. Robertson “**Next Generation Lawyers.**”
- *Benchmark Litigation* named Sharon K. Robertson to its “**40 & Under Hot List.**”
- *Super Lawyers* named the following Cohen Milstein Antitrust attorneys “**Super Lawyers**”: Kit A. Pierson, J. Douglas Richards, Sharon K. Robertson, and Daniel A. Small, and the following Cohen Milstein Antitrust attorneys “**Rising Stars**”: Robert A. Braun, Emmy Levens, and Daniel Silverman.

2018

- Lawdragon named Daniel Small to its “**Lawdragon 500 Leading Lawyers in America**” list.
- *Legal 500* ranked Cohen Milstein “**Leading Plaintiff Class Action Antitrust Firm.**”
- *The National Law Journal* named Cohen Milstein “**Finalist – Elite Trial Lawyers – Antitrust**”
- *Legal 500* ranked Kit Pierson and Richard A. Koffman “**Leading Lawyers**”; and Brent W. Johnson and Sharon K. Robertson “**Next Generation Lawyers.**”
- Who’s Who Legal named Cohen Milstein’s Richard A. Koffman, Kit A. Pierson, J. Douglas Richards, and Daniel A. Small “**Global Leader: Competition – Plaintiff.**”
- The American Antitrust Institute honored Sharon K. Robertson with its “**Outstanding Antitrust Litigation Achievement by a Young Lawyer**” award.
- *Law360* named Sharon K. Robertson a “**Rising Star – Competition.**”
- *New York Law Journal* named Sharon K. Robertson to its list of “**New York Rising Stars.**”
- *Super Lawyers* named the following Cohen Milstein Antitrust attorneys “**Super Lawyers**”: Kit A. Pierson, J. Douglas Richards, and Daniel A. Small, and the following Cohen Milstein Antitrust attorneys “**Rising Stars**”: Robert A. Braun, Brent W. Johnson, and Emmy Levens.

2017

- *Legal 500* ranked Cohen Milstein “**Leading Plaintiff Class Action Antitrust Firm.**”
- *Legal 500* listed Richard A. Koffman on its “**Hall of Fame**” recognizing individuals who have been ranked for more than 10 consecutive years.
- *Legal 500* ranked Kit Pierson and Richard A. Koffman “**Leading Lawyers**”; and Brent W. Johnson and Sharon K. Robertson “**Next Generation Lawyers.**”
- Who’s Who Legal named Cohen Milstein’s Richard A. Koffman, Kit A. Pierson, J. Douglas Richards, and Daniel A. Small “**Global Leader: Competition – Plaintiff.**”
- *Super Lawyers* named the following Cohen Milstein Antitrust attorneys “**Super Lawyers**”: Kit A. Pierson, J. Douglas Richards, and Daniel A. Small, and the following Cohen Milstein Antitrust attorneys “**Rising Stars**”: Brent W. Johnson and Daniel Silverman.

2016

- *The National Law Journal* named Cohen Milstein “**Winner – Elite Trial Lawyers – Antitrust.**”
- *Law360* named Cohen Milstein “**Practice Group of the Year – Competition.**”

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- *Legal 500* ranked Cohen Milstein **“Leading Plaintiff Class Action Antitrust Firm”**
- *Law360* named Richard A. Koffman **“MVP – Competition Law.”**
- Lawdragon named Kit Pierson to its **“Lawdragon 500 Leading Lawyers in America”** list.
- *Global Competition Review* named Richard A. Koffman one of the **“World’s Leading Competition Lawyers.”**
- *Legal 500* ranked Kit A. Pierson and Richard A. Koffman **“Leading Lawyers.”**
- *Super Lawyers* named the following Cohen Milstein Antitrust attorneys **“Super Lawyers”**: Kit A. Pierson, J. Douglas Richards, and Daniel A. Small, and the following Cohen Milstein Antitrust attorneys **“Rising Stars”**: Brent W. Johnson, Sharon K. Robertson, and Daniel Silverman.

2015

- *Law360* named Cohen Milstein **“Practice Group of the Year – Competition.”**
- *The National Law Journal* named Cohen Milstein **“Elite Trial Lawyer Firm – Antitrust.”**
- *Law360* named Cohen Milstein **“Most Feared Plaintiffs Firm”** for the third year in a row.
- *Legal 500* ranked Cohen Milstein **“Leading Plaintiff Class Action Antitrust Firm.”**
- *Legal 500* named Richard A. Koffman as a **“Leading Lawyer”** in **“Litigation - Mass Tort and Class Action: Plaintiff Representation – Antitrust.”**
- *The National Law Journal*, for the fourth time in five years, named Cohen Milstein to its **“Plaintiffs’ Hot List.”**
- *Super Lawyers* named the following Cohen Milstein Antitrust attorneys **“Super Lawyers”**: Kit A. Pierson, J. Douglas Richards, and Daniel A. Small, and the following Cohen Milstein Antitrust attorneys **“Rising Stars”**: Sharon K. Robertson.

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Practice Areas

- Antitrust

Admissions

- District of Columbia

Education

- Yale University, J.D., Senior Editor, Yale Law Journal, 1990

- Wesleyan University, B.A., Honors, Phi Beta Kappa, 1986

Clerkships & Fellowships

- Law Clerk, the Hon. James B. McMillan, United States District Court for the Western District of North Carolina, 1990-1991

- Law Clerk, the Hon. Anthony J. Scirica, United States Court of Appeals for the Third Circuit, 1991-1992

Richard A. Koffman is a Partner at Cohen Milstein and former Co-Chair of the Antitrust practice group. He litigates antitrust cases on behalf of the victims of corporations engaged in price-fixing, market monopolization, and other unlawful conduct.

Mr. Koffman has repeatedly been recognized as one of the world's top plaintiffs' antitrust lawyers. Mr. Koffman is named in *Global Competition Review's* "Who's Who Legal: Thought Leaders – Competition 2022" – one of only 40 plaintiffs' antitrust attorneys in the United States to earn this distinction. Since 2010, *The Legal 500* has annually named Mr. Koffman as one of the top plaintiffs' class action antitrust litigators in the United States, describing him as a "strong brief writer and an excellent oral advocate," and inducted him into *The Legal 500* Hall of Fame in 2017. Mr. Koffman was named *Law360's* Competition Law MVP (2016), recognizing him as one of the top five most influential antitrust lawyers in the United States. Mr. Koffman also has been named to *Global Competition Review's* "Who's Who Legal: Competition" (2016, 2019 – 2021), Lawdragon's 500 Leading Plaintiff Financial Lawyers (2019, 2020), and Washington, D.C. Super Lawyers (2020).

Mr. Koffman has had the honor of serving as court-appointed lead or co-lead counsel in many landmark antitrust class actions, including the *Urethanes Antitrust Litigation*, which resulted in the largest price-fixing verdict in U.S. history and the largest jury verdict of 2013.

A former Senior Trial Attorney in the U.S. Department of Justice's Antitrust and Civil Rights Divisions, Mr. Koffman views his role in litigating antitrust lawsuits as an extension of the public interest work he pursued at the DOJ in promoting competition and fighting discrimination.

Recent case successes include:

- *In re: Urethanes (Polyether Polyols) Antitrust Litigation* (D. Kan.):

Co-Lead Counsel for plaintiffs in an antitrust class action alleging a conspiracy to fix the prices of chemicals used to make polyurethane foam. Four defendants settled pre-trial for a total of \$139 million. After a four-week trial, the jury returned a \$400 million verdict for plaintiffs against the final defendant, The Dow Chemical Co., which the district court trebled to more than \$1 billion. Dow ultimately settled for \$835 million while the case was on appeal, bringing the total recovery to \$974 million – nearly 250% of the damages found by the jury.

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- ***In re: Plasma-Derivative Protein Therapies Antitrust Litigation (N.D. Ill.):*** Co-Lead Counsel for plaintiffs alleging a conspiracy to reduce the supply and increase prices of IVIG and Albumin – life-saving therapies derived from blood plasma. Mr. Koffman and his team obtained settlements totaling \$128 million to compensate customers who were overcharged for these vital therapies.
- ***In re: Dental Supplies Antitrust Litigation (E.D.N.Y.):*** Co-Lead Counsel for a proposed class of dental practices and dental laboratories. The case alleges that Defendants Henry Schein, Inc., Patterson Companies, Inc., and Benco Dental Supply Company – the three largest dental supply and dental equipment distributors in the United States – fixed price margins on dental equipment, jointly pressured manufacturers to squeeze out competitors, and agreed not to “poach” each other’s employees, in violation of federal antitrust law. The court granted final approval to an \$80 million settlement on June 24, 2019. In approving the settlement, the Honorable Brian M. Cogan of the U.S. District Court for the Eastern District of New York stated, “This is a substantial recovery that has the deterrent effect that class actions are supposed to have, and I think it was done because we had really good Plaintiffs’ Lawyers in this case who were running it.”
- ***In re: Polyester Staple Antitrust Litigation (W.D.N.C.):*** Co-Lead Counsel for plaintiffs alleging a conspiracy to fix prices for polyester staple fiber; the case settled for \$46 million.

Current cases include:

- ***Mixed Martial Arts (MMA) Antitrust Litigation (D. Nev.):*** Co-Lead Counsel in a class action on behalf of MMA fighters alleging that Zuffa LLC – commonly known as the Ultimate Fighting Championship – has unlawfully monopolized the markets for promoting live professional MMA bouts and for purchasing the services of professional MMA fighters. The district court denied defendant’s motion to dismiss the case in September 2015.
- ***In re: Treasuries Securities Antitrust Litigation (S.D.N.Y.):*** Co-Lead Counsel in a ground-breaking antitrust and Commodity Exchange Act class action alleging many of the nation’s biggest banks manipulated the multi-trillion-dollar market for U.S. Treasuries and related instruments.

Mr. Koffman served as a law clerk to two Federal Judges: James B. McMillan, of the U.S. District Court for the Western District of North Carolina and Anthony J. Scirica of the U.S. Court of Appeals for the Third Circuit.

Mr. Koffman attended Wesleyan University, where he received a B.A. in English, with honors, and is a member of Phi Beta Kappa. Mr. Koffman is a graduate of Yale Law School, where he was Senior Editor of the *Yale Law Journal*.

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Practice Areas

- Antitrust

Admissions

- New York
- New Jersey

Education

- Benjamin N. Cardozo School of Law, J.D., 2006
- SUNY Binghamton, B.A., *magna cum laude*, 2003

Clerkships & Fellowships

- Alexander Fellow, the Hon. Shira A. Scheindlin, U.S. District Court for the Southern District of New York
- Intern, United States Court of Appeals for the Second Circuit
- Intern, Litigation Bureau, Office of the New York State Attorney General

Sharon Robertson is a Partner at Cohen Milstein and a member of the Antitrust practice group. Ms. Robertson is also a member of the firm's Executive Committee.

Ms. Robertson has been repeatedly recognized for her success in leading complex, multi-district antitrust litigation. In 2020, *Chambers* ranked Ms. Robertson "Band 2 in Antitrust: Plaintiff – New York and USA – Nationwide" while *Lawdragon* included her on its "500 Leading Lawyers in America" list. In 2019, *The National Law Journal* named her as one of nine "Elite Women of the Plaintiffs Bar," an award that recognizes female lawyers who "have consistently excelled in high-stakes matters on behalf of plaintiffs over the course of their careers." In the same year, *Law360* named Ms. Robertson a "Life Sciences-MVP" for her "hard-earned successes" and "record-breaking deals." In 2018, the American Antitrust Institute honored her with its prestigious "Outstanding Antitrust Litigation Achievement by a Young Lawyer" award for her role in securing one of the largest recoveries on behalf of end-payors in a federal generic suppression case in over a decade. Similarly, for three consecutive years, *The Legal 500* has repeatedly selected her as a "Next Generation Lawyer" (2017 -2020), an honor bestowed upon only 10 lawyers under 40 years old across the country, who are positioned to become leaders in their respective fields. Likewise, *The New York Law Journal* recognized her as a Rising Star (2018) – one of only twenty individuals selected to receive this honor. In addition, *Benchmark Litigation* selected Ms. Robertson for inclusion on its "40 & Under Hot List" for three consecutive years (2018-2020) and *Law360* named her as one of five "Rising Stars" (2018) in the field of competition law whose "professional accomplishments belie their age," as did *Super Lawyers* (2014-2016, 2019-2020). Ms. Robertson has also been recognized by *Law360* as one of a few female litigators to secure leadership roles in high-profile MDLs, such as *In re Lidoderm Antitrust Litigation* (March 16, 2017).

Ms. Robertson is spearheading the firm's efforts in cutting-edge and industry-defining pay-for-delay pharmaceutical antitrust lawsuits, which allege that the defendant brand manufacturer entered into non-competition agreements with generic manufacturers in order to delay entry of lower-priced generic products. Ms. Robertson also heads up the firm's generic price-fixing cases, which allege that certain generic drug manufacturers conspired to inflate the prices of generic drug products. These cases come on the heels of a government investigation led by the U.S. Department of Justice alleging similar conduct, which, while ongoing, has already resulted in indictments

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and guilty pleas.

In addition to leading complex MDLs, Ms. Robertson is an accomplished trial lawyer. She served as a trial team member in two of the largest antitrust cases tried to verdict, including *In re Urethanes Antitrust Litigation*, where the jury returned a \$400 million verdict, which was trebled by the Court, as required by antitrust law, resulting in the largest price-fixing verdict in U.S. history, as well as *In re Nexium Antitrust Litigation*, the first pharmaceutical antitrust case to go to trial following the Supreme Court's landmark decision in *FTC v. Actavis*, 570 U.S. 756 (2013).

Ms. Robertson represents End-Payor Plaintiffs in the following pay-for-delay pharmaceutical antitrust cases in which the firm serves as Co-Lead Counsel:

- ***In re Lipitor Antitrust Litigation (D.N.J.)***: Plaintiffs allege that Pfizer, the manufacturer of the cholesterol drug Lipitor, the best-selling drug in pharmaceutical history, conspired with Ranbaxy, the generic manufacturer, to delay its introduction of a generic Lipitor product. On August 21, 2017, the Third Circuit handed a sweeping victory to Plaintiffs, reviving their antitrust claims. This case was ranked by *Law360* as "The Biggest Competition Cases Of 2017 So Far" (July 7, 2017).
- ***In re Tracleer Antitrust Litigation (D. Md.)***: Plaintiffs allege that Defendant Actelion engaged in an anticompetitive scheme to withhold samples of its life-saving pulmonary arterial hypertension medication from would-be rivals, under the guise of the REMs program, which conduct ultimately delayed generic competition.

In addition, Ms. Robertson co-chairs the executive committee in *In re Humira Antitrust Litigation* (N.D. Ill.) and serves as a member of the executive committee in similar pay-for-delay cases in which Cohen Milstein plays a significant role, including: *In re Niaspan Antitrust Litigation* (E.D. Pa.), *In re Suboxone Antitrust Litigation* (E.D. Pa.) and *In re ACTOS Antitrust Litigation* (S.D.N.Y.). She also represents End-Payor Plaintiffs in *In re Zytiga Antitrust Litigation* (D.N.J.).

Ms. Robertson represents direct purchaser plaintiffs in a number of cases as well, including: *In re Zetia Antitrust Litigation* (E.D. Va.), *In re Generic Pharmaceuticals Pricing Antitrust Litigation* (E.D. Pa.), *In re Sensipar (Cinacalcet Hydrochloride Tablets) Antitrust Litigation* (D. Del.), *In re Intuniv Antitrust Litigation* (D. Mass.) and *In re Ranbaxy Fraud Antitrust Litigation* (D. Mass.).

Ms. Robertson has successfully litigated the following notable matters:

- ***Urethanes (Polyether Polyols) Antitrust Litigation (D. Kan.)***: Cohen Milstein was Co-Lead Counsel in an antitrust class action alleging a nationwide conspiracy to fix the prices of polyether polyols. Ms. Robertson played a leading role in helping obtain settlements with several defendants for \$139 million and was a member of the trial team that obtained a \$400 million jury verdict (trebled to more than \$1 billion), which was affirmed on appeal by the Tenth Circuit. The case against Dow ultimately settled for \$835 million while Dow's petition for certiorari was pending before the Supreme Court, bringing the total recovery to \$974 million – nearly 250% of the damages found by the jury.
- ***In re Lidoderm Antitrust Litigation (N.D. Cal.)***: Cohen Milstein served as Co-Lead Counsel for the End-Payor Class in a suit alleging that Endo and Teikoku, manufacturers of the Lidoderm patch, paid Watson Pharmaceuticals to delay its generic launch. The case settled on the eve of trial and on September 20, 2018, Plaintiffs obtained final approval of a \$104.75 million settlement – more than 40% of Plaintiffs' best-case damages estimate. This case was ranked by *Law360* as "The Biggest Competition Cases Of 2017 So Far" (July 7, 2017).
- ***In re Loestrin Antitrust Litigation (D.R.I.)***: Cohen Milstein served as Co-Lead Counsel for the End-Payor Plaintiffs in a case alleging that Warner Chilcott PLC entered into agreements to delay the introduction of a generic version of the contraceptive drug Loestrin and thereafter engaged in a

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“product hop” to further impede generic entry. The case settled on the last business before trial for \$63.5 million – representing one of the largest settlements in a federal generic suppression case in over a decade. On September 1, 2020, the settlements received final approval.

- ***In re Aggrenox Antitrust Litigation (D. Conn.)***: Cohen Milstein served as an executive committee member on behalf of the End-Payor Plaintiffs and alleged that Defendants Boehringer Ingelheim and Teva Pharmaceutical engaged in anticompetitive conduct that delayed the availability of a less-expensive generic versions of Aggrenox. The case settled for \$54 million.
- ***In re Solodyn Antitrust Litigation (D. Mass.)***: Cohen Milstein served as a member of the executive committee and Ms. Robertson played a significant role in coordinating discovery on behalf of the End-Payor Plaintiffs. The case, which settled mid-trial, resulted in a \$43 million recovery for the Class.
- ***In re Blood Reagents Antitrust Litigation (E.D. Pa.)***: Plaintiffs alleged that the two leading producers of blood reagents, Ortho—Clinical Diagnostics, Inc. and Immucor, Inc., conspired to raise prices on traditional blood reagents. In September 2012, Immucor reached a settlement with Plaintiffs. On July 19, 2017 the Court denied in part Ortho’s Motion for Summary Judgement. Ms. Robertson was slated to serve as one of four lead trial counsel in the case, which was set for trial in June of 2018 but ultimately settled for a total recovery of \$41.5 million.
- ***In re Wellbutrin SR Antitrust Litigation (E.D. Pa.)***: Cohen Milstein represented the Direct Purchaser Plaintiffs in this case alleging that Defendant GSK filed and then continued “sham” patent infringement lawsuits against two manufacturers of generic drugs, Eon and Impax, to delay competition to GSK’s blockbuster antidepressant, Wellbutrin SR. The case settled before trial for \$49 million.
- ***Albany and Detroit Nurses Litigation (N.D.N.Y.; E.D. Mich.)***: Cohen Milstein represented registered nurses employed by hospitals in Albany and Detroit in class actions alleging a wage-fixing conspiracy. Ms. Robertson obtained settlements with five Albany Defendants totaling over \$14 million. In the Detroit case, Ms. Robertson helped obtain \$98 million in settlements with eight Defendants.
- ***Indonesian Villagers Litigation (D.D.C.)***: Ms. Robertson represented Indonesian villagers in a lawsuit against Exxon Mobil over torture and extrajudicial killings allegedly committed by the Defendant’s security forces (a unit of the Indonesian military).

Ms. Robertson co-chairs the firm’s Professional Development and Mentoring Committee and serves on the firm’s Diversity Committee. She is also an active member of the Executive Committee for the Antitrust Section of the New York State Bar Association.

While attending law school, Ms. Robertson was an intern in the Litigation Bureau of the Office of the New York State Attorney General and the United States Court of Appeals for the Second Circuit. Additionally, while in law school, Ms. Robertson was selected as an Alexander Fellow and spent a semester serving as a full-time Judicial Intern to the Hon. Shira A. Scheindlin, U.S. District Court for the Southern District of New York.

Ms. Robertson graduated from State University of New York at Binghamton, *magna cum laude* with a B.A. in Philosophy, Politics and Law. She earned her J.D. from the Benjamin N. Cardozo School of Law, where she served as Notes Editor of the *Cardozo Public Law, Policy and Ethics Journal*.

Prior to attending law school, Ms. Robertson worked on the campaign committee of Councilman John Liu, the first Asian American to be elected to New York City’s City Council.

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Practice Areas

- Antitrust

Admissions

- Florida

Education

- Florida State University, J.D., 1995
- Florida International University, B.A., 1991

Manuel J. (“John”) Dominguez is a Partner at Cohen Milstein and a member of the Antitrust practice group. Mr. Dominguez specializes in complex, multi-district antitrust litigation, representing individuals and businesses harmed by anticompetitive business practices. Mr. Dominguez also plays a significant role in identifying and investigating potential antitrust violations for the practice group.

Mr. Dominguez has been litigating complex antitrust, securities, and consumer cases for more than 20 years, and has served as lead counsel and handled numerous high-profile, high-stakes cases during that time. His efforts have enabled aggrieved businesses and consumers to recover hundreds of millions of dollars.

A hands-on litigator, Mr. Dominguez currently represents plaintiffs in litigation alleging price-fixing and monopolistic practices in the medical products, finance and other industries. These cases include:

- **Automotive Parts Antitrust Litigation:** Cohen Milstein represents direct purchasers of Bearings, Mini-Bearings, IG coils, Power Window Motors, Valve Timing Control Devices and other automotive parts in a series of antitrust class action lawsuits accusing manufacturers and suppliers of price-fixing and bid-rigging conspiracies. These cases, being litigated in the Eastern District of Michigan in Detroit, stem from the largest antitrust investigation in the history of the U.S. Department of Justice, with over \$1 billion in fines and multiple criminal indictments. *Bearings* is the first matter currently being considered for certification by the court. Mr. Dominguez has significant responsibilities in these cases, including leading discovery efforts against defendants, briefing and assisting experts. Settlements in several of these cases have recovered more than \$500 million for direct purchaser plaintiffs.
- **Liquid Aluminum Sulfate Antitrust Litigation:** In this action it was alleged that the manufacturers of Aluminum Sulfate, a product used by municipalities for water treatment, conspired to allocate customers, rig bids and fix prices. Mr. Dominguez was appointed by the court to serve on the Plaintiffs’ Steering Committee. As part of his responsibilities he has been responsible for selecting class representatives and working on the consolidated amended complaint. Thus far, this case has resulted in the preliminary approval of settlements for direct purchaser plaintiffs of more than \$10.7 million in cash and up to \$13.5 million from the sale of defendant’s assets resulting from the company’s dissolution or acquisition.

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In addition to antitrust class action litigation, Mr. Dominguez continues to be involved in significant non-class and non-antitrust class actions, including winning a significant motion to dismiss in a non-class action antitrust action brought on behalf of doctors and practice groups against a major insurance company and hospital in Florida in *Omni Healthcare, Inc. v. Health First, Inc.* The case presented and argued issues of first impression for the middle district of Florida. Mr. Dominguez was also involved in cutting-edge data privacy breach litigation against AOL for allegedly unlawfully collecting internet search data of millions of users and making their private information available for public downloading. In addition, Mr. Dominguez litigated a highly significant securities matter that settled for hundreds of millions of dollars involving Symbol Technologies Inc., a barcode technology maker that intentionally overstated its revenues through premature revenue recognition, improper consignments arrangements and channel stuffing.

Mr. Dominguez began his career as an Assistant Attorney General in the Attorney General of the State of Florida's Department of Economic Crimes. In that role, he represented the State of Florida in prosecuting corporations and business entities for alleged violations of Florida's RICO, antitrust and Unfair and Deceptive Trade Practices Act statutes. Following his service as an Assistant Attorney General, Mr. Dominguez entered private practice, litigating and trying numerous cases involving unfair trade practices and other alleged violations of state and federal consumer protection statutes. In 2000, he joined a premier class action firm focused on antitrust and securities litigation; there, he rose to be one the heads of the firm's antitrust practice group.

Mr. Dominguez also has been at the forefront of exploring ways to develop and apply e-discovery to the law—authoring white papers and presenting on e-discovery amendments to the Federal Rules of Civil Procedure. He also participated in The Sedona Conference® Working Group 1, the legal industry's vanguard e-discovery standards organization.

Mr. Dominguez formerly served as the Chair of the Antitrust, Franchise & Trade Regulation Committee of the Florida Bar's Business Law Section. He previously served as the Vice Chair of that committee and was a member of the Executive Council of Florida Bar's Business Law Section. He is also co-author of an article that appeared in the *Florida Bar Journal*, "The Plausibility Standard as a Double Edge Sword: The application of Twombly and Iqbal to Affirmative Defenses" (Vol. 84, No. 6).

Mr. Dominguez is recognized as a "Legal Elite" by *Florida Trend* (2017-2018) and named a *Palm Beach Illustrated* "Top Lawyers" (2018).

Mr. Dominguez received a B.A. from Florida International University, and earned his J.D. from the Florida State University Law School, graduating with honors. In law school, he was a member of the *Transnational Journal of Law and Policy*.

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Practice Areas

- Antitrust

Admissions

- New York

Education

- Harvard Law School, J.D., *cum laude*, 2014
- Dartmouth College, B.A., *cum laude*, 2005

Clerkships & Fellowships

- Law Clerk, the Hon. Naomi Reice Buchwald, U.S. District Court for the Southern District of New York

Christopher Bateman is an Associate at Cohen Milstein, and a member of the firm's Antitrust practice group. In this role, Mr. Bateman represents a broad range of individuals and businesses in civil litigation, with a focus on multi-district class actions and antitrust litigation.

Mr. Bateman is currently working on the following high-profile matters:

- ***In re Interest Rate Swaps Antitrust Litigation (S.D.N.Y.)***: Cohen Milstein serves as co-lead counsel and represents the Public School Teachers' Pension and Retirement Fund of Chicago and other proposed buy-side investor class members in this ground breaking putative antitrust class action against numerous Wall Street investment banks. Plaintiffs allege that the defendants conspired to prevent class members from trading IRS on modern electronic trading platforms and from trading with each other, all to protect the banks' trading profits from inflated bid/ask spreads.
- ***Iowa Public Employees' Retirement System, et al. v. Bank of America Corp. et al. (S.D.N.Y.)***: Cohen Milstein is representing Iowa Public Employees Retirement System and other investors who allege that six of the world's largest investment banks, including Bank of America, Credit Suisse, Goldman Sachs, JP Morgan, Morgan Stanley, and UBS, conspired together to prevent the modernization of the \$1.7 trillion stock lending market in order to maintain control over a critical component of a strong economy.

Before joining Cohen Milstein, Mr. Bateman was a law clerk for the Honorable Naomi Reice Buchwald, U.S. District Court for the Southern District of New York. Before that, he was a litigation attorney at a distinguished global law firm, where he worked with clients in the financial services and energy sectors.

Mr. Bateman received his B.A., *cum laude, High Honors*, from Dartmouth College, where he was a Rufus Choate Scholar. He received his J.D., *cum laude*, from Harvard Law School, where he received Dean's Scholar awards in Civil Procedure and in Federal Courts and the Federal System. While in law school, Mr. Bateman was an Article Selection Editor for the *Harvard Civil Rights-Civil Liberties Law Review*. He is the co-author of "Toward Greener FERC Regulation of the Power Industry," *38 Harvard Environmental Law Review* 275 (2014).

While attending law school, Mr. Bateman was a legal intern at the Environmental Defense Fund. Before law school, Mr. Bateman was an editorial associate at *Vanity Fair* for several years, where he wrote about politics, civil rights, culture, and environmental issues, and edited feature articles.

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Practice Areas

- Antitrust

Admissions

- Massachusetts

Education

- Yale Law School, J.D., 2019
- Swarthmore College, B.A., high honors, 2011

Clerkships & Fellowships

- Law Clerk, the Hon. David J. Barron, U.S. Court of Appeals for the First Circuit

Louis Katz is an Associate at Cohen Milstein and a member of the firm's Antitrust practice group. In this role, Mr. Katz represents a broad range of individuals and businesses in civil litigation, with a focus on multi-district class actions and antitrust litigation.

Before joining Cohen Milstein, Mr. Katz was a law clerk for the Honorable David J. Barron, U.S. Court of Appeals for the First Circuit.

Mr. Katz's publications include co-authoring, "A Time to Serve: Proposals for Renewing the Civil Service," *Great Democracy Initiative* (August 2020).

Mr. Katz received his B.A., with high honors, from Swarthmore College, and he received his J.D. from Yale Law School.

Prior to attending law school, Mr. Katz was a legislative aide for U.S. Senator Elizabeth Warren, where he served as Senator Warren's staff representative on the Energy and Natural Resources Committee, among other roles.

Mr. Katz is admitted only in Massachusetts. He is applying for admission to the District of Columbia Bar and is currently working under the close supervision of the partners of the firm who are admitted to practice in the District of Columbia.